

# Bereskin & Parr

## INTELLECTUAL PROPERTY LAW

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### TELEFAX TRANSMITTAL

TO: Michelle R. Connelly-Cushwa, Examiner, Group Art Unit 2874

FIRM: Commissioner of Patents

FAX NO.: 571-273-2345

FROM: Robert B. Storey

DATE: January 15, 2004 PAGES: 11  
(Including cover sheet)

File No.: 11784-3

Lawyer No.: 027

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### COMMENTS:

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**Bereskin & Parr**  
INTELLECTUAL PROPERTY LAW

Robert B. Storey  
Direct Line: 416 957 1615  
rstorey@bereskinparr.com

Your Reference: 09/918,398  
Our Reference: 11784-003

January 15, 2004

By Fax 571-273-2345

The Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231  
U.S.A.

Attention: **Michelle R. Connelly-Cushwa, Examiner**  
**Group Art Unit 2874**

Dear Sir:

Re: **U.S. Application No. 09/918,398 (Matsuura et al.)**  
**Title: CONFIGURABLE PHOTONIC DEVICE**

We gratefully acknowledge the Examiner's telephone communication. As requested by Ms. Cushwa, I am forwarding copies of the following documents that were filed in the Patent Office on October 24, 2003, in response to the office action dated July 9, 2003:

1. Fee Transmittal Form;
2. Petition for Extension of Time;
3. The Office Action Response;
4. A Declaration of the Inventors; and
5. A copy of the Initial Information Data Sheet as filed.

I am also forwarding a copy of the stamped receipt card.

If anything further is required, please do not hesitate to telephone me again. I look forward to hearing from you.

Respectfully Submitted,



Robert B. Storey  
Registration No. 33,108

Encl.

*Please send all correspondence to the Toronto office:*

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002, OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

**Complete if Known**

Application Number	09/918,398
Filing Date	July 31, 2001
First Named Inventor	Matsuura et al.
Examiner Name	Michelle R. Connelly-Cushwa
Group Art Unit	2874
Attorney Docket No.	11784-3

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit AccountDeposit Account Number  
Deposit Account Name

022095

Bereskin &amp; Parr

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 ** =	X	0.00
Multiple Dependent Claims	- 3 ** =	X	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid. If greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 85	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	239 130	Non-English specification	
147 2,520	247 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	212 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	213 1,840*	Requesting publication of SIR after Examiner action	55.00
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 450	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	238 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 820	244 310	Plant issue fee	
122 130	222 130	Petitions to the Commissioner	
123 50	223 50	Processing fee under 37 CFR 1.17(q)	
126 180	226 180	Submission of Information Disclosure Stmt	
581 40	281 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 800	269 800	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 120.00

**SUBMITTED BY**

Name (Print/Type) Robert B. Storey

Signature

Registration No. (Attorney/Agent)

33,108

**Complete if applicable**

Telephone (416) 364-7311

Date October 23, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Appl. No. 09/918,398  
Response dated October 22, 2003  
Reply to Office action of July 9, 2003

Appl. No : 09/918,398 Confirmation No.:  
Applicant : Matsuura et al  
Filed : July 31, 2001  
Title : Configurable Photonic Device  
TC./A.U. : 2874  
Examiner : CONNELLY CUSHWA, MICHELLE R  
  
Docket No. : 11784-3  
Customer No. : 1059

Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE**  
**(No Amendments)**

Sir:

This is in response to the first Office Action received from the Examiner, mailed July 9, 2003.

Remarks/Arguments begin on page 2 of this paper.